IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: 1.12.2006

Yogesh

...Appellant

versus

Smt.Santosh and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover.

Present: Mr.Raman Mohinder, Advocate
for the appellant.

UMA NATH SINGH, J. (ORAL)

In this FAO by the owner of the vehicle against an award dated 4.9.2006 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Bhiwani, in MACT Petition No.15 of 2003, awarding a sum of Rs.3,79,600/-, with 7% interest from the date of institution of the application, learned counsel submitted that the deceased was found to be an agriculturist and the Tribunal has put him in the category of a skilled labourer but as a result of non-application of mind his income has been assessed as that of a casual labourer and that too on higher side. Learned counsel thus submitted that contradictorily the deceased has been assessed as a skilled labourer so also as a casual labourer.

The vital question for adjudication may not be as to whether the deceased was a skilled labourer or a casual labourer as his income has been assessed only at Rs.1800/- per month, which appears to be rather on lower

side, looking to the judgment of Hon'ble the Apex Court in assessing the monthly income of a casual labourer, which varies between Rs.2100/- to Rs.2500/-. Thus, the appellant should not have any grievance on that count. The compensation amount is thus not on higher side and the interest of 7% per annum is also reasonable in view of a latest judgments of Hon'ble the Apex Court reported in 2005(6) SCC 236 (TNST Corpn. Ltd. vs S.Rajapriya & ors.).

Under the circumstances, we do not find any merit in this appeal. Hence, it is dismissed in limine.

(UMA NATH SINGH)
JUDGE

December 1, 2006 **(MAHESH GROVER)**
pk **JUDGE**